



PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)
678-246 (P8698)

| | | |
|---|---------------|----------------------|
| In re Application of | MOON, Hi-Chan | |
| Application Number | 09/273,801 | Filed 3/19/1999 |
| For APPARATUS AND METHOD FOR INSERTING SIDE INFORMATION IN COMMUNICATION SYSTEM | | |
| Group Art Unit | 2662 | Examiner ELALLAM, A. |

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- | | |
|---|-------------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$ 110.00 |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$ 420.00 |
| <input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3)) \$110.00 paid on June 24, 2004 for 1 Month | \$ 840.00 |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$ 1,480.00 |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$ 2,010.00 |
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____.
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-1121.
- I have enclosed a duplicate copy of this sheet.

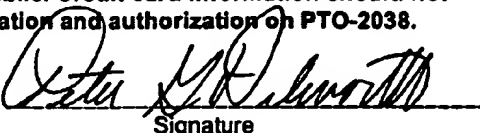
I am the ☐ applicant/inventor

- ☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ attorney or agent of record.
- ☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) _____.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 25, 2004

Date


Signature

Peter G. Dilworth

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of _____ forms are submitted.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on.

Dated: August 25, 2004


Michael J. Musella

840.00 DP

02 FC:1253



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)
678-246(P8698)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 25, 2004.

Signature

Typed or printed name

Michael J. Musella

In re Application of
MOON, Hi-Chan

Application Number
09/273,801

Filed
March 19, 1999

For **APPARATUS AND METHOD FOR INSERTING
SIDE INFORMATION IN...**

Group Art Unit
2662

Examiner
ELALLAM, A.

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 330.00.

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____.
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 04-1121. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record.
- ☐ attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a) _____.


Signature

Peter G. Dilworth

Typed or printed name

August 25, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

330.00 OP

01 FC:1401

DIVISION

PATENT

Attorney Docket No. 28, 11, 12, 72
578, 246 (P8698)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: MOON, Hi-Chan

GROUP ART UNIT: 2662

SERIAL NO.: 09/273,801

EXAMINER: ELALLAM, A.

FILED: March 19, 1999

DATED: October 25, 2004

FOR: **APPARATUS AND METHOD FOR INSERTING SIDE
INFORMATION IN COMMUNICATION SYSTEM**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Refund Section
Accounting Division
Office of Finance

REQUEST FOR REFUND

Sir:

I. REFUND REQUEST

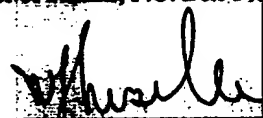
This is a request for a refund with respect to a payment for a Notice of Appeal and third month extension of time incurred because of a delay that is believe to have been caused by the U.S. Patent and Trademark Office with respect to the above-identified application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth immediately below.

Dated: October 25, 2004

BEST AVAILABLE COPY


Michael J. Musella

II. FEES CHARGED FOR WHICH REFUND IS REQUESTED
 AMOUNT OF REFUND REQUESTED

| | | |
|-------------------------------------|--|------------------|
| <input type="checkbox"/> | filing fee | |
| <input type="checkbox"/> | surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. §1.16(e) and/or | |
| <input type="checkbox"/> | surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e) | |
| <input type="checkbox"/> | extension of term | |
| <input type="checkbox"/> | first month | |
| <input type="checkbox"/> | second month | |
| <input checked="" type="checkbox"/> | third month | \$ 530.00 |
| <input type="checkbox"/> | fourth month | |
| <input type="checkbox"/> | excess claims | |
| <input type="checkbox"/> | issue fee | |
| <input type="checkbox"/> | petition fee | |
| <input type="checkbox"/> | patent maintenance fee | |
| <input type="checkbox"/> | first maintenance fee | |
| <input type="checkbox"/> | second maintenance fee | |
| <input type="checkbox"/> | third maintenance fee | |
| <input type="checkbox"/> | patent maintenance fee surcharge | |
| <input checked="" type="checkbox"/> | other Notice of Appeal | \$ 330.00 |
| | TOTAL REFUND REQUESTED | \$ 860.00 |

BEST AVAILABLE COPY

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

2004 OCT 29 AM 10:32

An Office Action marked "Final" by the Examiner was mailed on February 25, 2004. On June 24, 2004 a Response to the Office Action was filed with a one month extension of time, and received by the U.S. Patent and Trademark Office (the Office) on June 28, 2004 as evidenced by the return postcard attached hereto. On July 26, 2004 an interview was conducted with the Examiner regarding the status of the application during which the Examiner stated that the file was in the imaging department. On August 25, 2004 the undersigned checked the private PAIR system and determined that the case was still in the imaging department as evidenced by the PAIR system printout attached hereto. On August 25, 2004 a Notice of Appeal was filed with a Petition for Extension of Time of three months, along with the required fees. An Advisory Action dated September 30, 2004 was responded to by filing a Request for Continued Examination on October 25, 2004, along with the filing fees required therefor.

It is respectfully submitted that if not for the delay of the Patent Office, the fees associated with the Notice of Appeal of \$330.00 and the third month Extension of Time of \$530.00 would not have been incurred by the applicant.

Since the Response to the "Final" Office Action was received at the Office on June 28, 2004, an Office Communication should have been issued by July 28, 2004. The delay of more than two months, i.e. July 28, 2004 to September 30, 2004, was directly caused by the Office, and in turn caused the Applicant to incur the costs associated with the Notice of Appeal fee of \$330.00 and third month extension of time, namely \$530.00.

Due to the delay of the issuance of the Advisory Action by the U.S. Patent and Trademark Office, a payment of the Notice of Appeal fee and third month extension of time for a total of \$860.00 was required.

BEST AVAILABLE COPY


IV. MANNER OF REFUND

Please make refund by

- ☒ crediting Deposit Account No. 131.
☐ refunding payment

2004 OCT 29 AM 10:32

Not fully represented.


Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

Dated: October 25, 2004

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
(516) 228-8484 (tel)
(516) 228-8516 (fax)
PJF/MJM/dr

4
BEST AVAILABLE COPY